

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

NOVEMBER 29, 2016

PRESENT:

Bob Lucey, Vice Chair
Marsha Berkbigler, Commissioner
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

ABSENT:

Kitty Jung, Chair

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Health District Board Room, Building B – 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

16-0976 AGENDA ITEM 3 Public Comment.

The following individuals spoke in opposition Agenda Items 14 and 15 which relate to the possible relocation of a medical marijuana establishment (MME) to Spanish Springs: Illona Mager, Jeff Peters, Ron King, Nevada State Senator Don Gustavson, James Kroshus, Nevada Assemblyman Ira Hansen, Karol Brown, Karl Rodriguez, Tasiana Wertyschyn, Dori Jensen, Kent Aland, Denise Wiley, Morgan McDuffie, and Mary Peterson. Illona Mager provided a handout containing statistics associated with the negative aspects of marijuana use, which was placed on file with the Clerk.

The above individuals' concerns included: the proximity of the MME to schools, bus stops and businesses that children frequented; safety issues due to increased traffic and the lack of parking; edible marijuana produced to resemble candy; and the negative health effects of marijuana. There were requests to relocate the MME to an industrial area. There were also calls for the Board to respect the rule-of-law and to consider the fact that marijuana was illegal under Federal Law.

Pee Wee Henson spoke about signage related to shooting in open spaces on Peavine Mountain. He noted assistance was needed with the installation of the signage and with the cleanup of trash. He submitted photographs of trash dumped on Peavine Mountain, which was placed on file with the Clerk.

16-0977 **AGENDA ITEM 4** Announcements/Reports.

Commissioner Herman mentioned there would be a vote regarding the signage on Peavine Mountain related to shooting. She said in the interest of saving lives the County sped up the process of installing the signage. She noted the Monte Cristo property owners were still waiting to hear whether they had the ability to build on their properties. She spoke about past flooding incidents. She remarked Verdi, Cold Springs and Rancho Haven still did not have a Citizen Advisory Board (CAB). She stated citizen complaints against their neighbors should be made in writing, signed, and notarized. She felt the Commissioners should be given adequate time to research and interview the applicants the Board considered for appointments. She also mentioned the issue surrounding the sign at the Sun Valley Senior Center was ongoing and she hoped the Board of Adjustment would be able to provide assistance.

Commissioner Hartung requested an Agenda Item from the Assessor's Office to discuss property loss with respect to natural disasters. He noted the possibility of an increase in property taxes once a home was rebuilt after a natural disaster. He hoped the County could prevent that at the legislative level. He also requested an Agenda Item regarding the annexation agreement. He mentioned a dismantling business in Spanish Springs where the owner informed his neighbors the County allowed him to leave junk cars on the side of the road. He asked staff to look into fast-tracking the issue as dumping junk cars on the side of the road was not allowed.

Commissioner Berkbigler remarked the Agenda did not appear to address the funding for signage on Peavine Mountain as Commissioner Herman had indicated. She requested staff to look into the signage issue. She commented the City of Reno believed growth had to occur within the City of Reno and not within the County. She requested the District Attorney's Office provide the Board with statutory language to show what would give the City of Reno that impression. She questioned whether it was accurate that the County did not have the ability to grow.

Commissioner Lucey directed staff to compose a letter requesting a presentation from the Nevada Division of Forestry (NDF) on how they intended to compensate people who lost their homes in the Little Valley Fire since a report indicated the fire was caused by the NDF. He stated it was difficult to find people to participate in a CAB within his District. He asked staff to consider rewording the Ordinance to allow for any resident to participate in a CAB.

16-0978 **AGENDA ITEM 5** Declaration of Canvass of Vote (Recount of Assembly District 31) and execute Order of the Recount. Registrar of Voters. (All Commission Districts.)

Luanne Cutler, Registrar of Voters, stated Jill Dickman requested the ballots from certain precincts be recounted. She explained the process in which the recount took place. She noted during the preparation and testing of the equipment, a discrepancy was noted in one of the precincts that were chosen for review. Precinct 4035

had 75 fewer ballots than the election results indicated. The vendor, Dominion Voting Systems, performed an analysis and discovered a batch of ballots had not been deleted from the database as expected. As a result, she made a decision to recount all of the votes in District 31. The recount process began at 10:00 a.m. Monday, November 21 and ended at 1:30 p.m. the same day. The result of the election did not change. She noted enhancements to the voting software were in development and that her office would reexamine its reconciliation process for its own benefit.

Commissioner Hartung inquired why provisional ballots did not contain local races.

Ms. Cutler replied provisional ballots in Nevada only had statewide races on them because these ballots were provided to individuals who showed up at the wrong polling place and chose not to go to their designated polling place. Another reason a provisional ballot would be provided was if an individual did not appear on the voter rolls.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chair Jung absent, it was ordered that the Declaration of Canvass of Vote (Recount of Assembly District 31) and Order of the Recount be approved.

16-0979 **AGENDA ITEM 14** Discussion and possible action on suspension of Rules and Procedures of the Board of County Commissioners pursuant to Rule 3 to allow reconsideration of denial of an application from GTI Nevada, LLC dba Rise Incline Village to move a medical marijuana dispensary establishment from the location issued a State of Nevada provisional medical marijuana certificate at 745 Mays Blvd, #12 in Incline Village, Nevada (APN 132-201-07) to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01). Manager. (Commission District 4.)

John Slaughter, County Manager, explained the difference between Agenda Item 14 and Agenda Item 15. He noted if the Board voted to reconsider the denial of GIT Nevada, LLC's application under Agenda Item 15, there would be a future hearing where the actual reconsideration would be addressed.

Kevin Schiller, Assistant County Manager, clarified the need for Agenda Item 14 since GTI Nevada, LLC requested a reconsideration of the denial of their application.

Paul Lipparelli, Legal Counsel, stated the Board's rules required the Board to undertake reconsideration at the same meeting or the meeting directly following the meeting in which an item was decided. If that did not happen then the Board would have to decide to suspend its own rules to allow the reconsideration to take place. He added voting in favor of Agenda Item 14 or 15 by itself was not a vote in favor or against the location in Spanish Springs. The vote was a procedural requirement in order to provide

staff the ability to issue notices and schedule another hearing for the application. If the Board voted no to either Agenda Item 14 or 15, the process would cease and the hearing would never take place. If the Board voted yes to both Agenda Item 14 and 15, the Board would be free to schedule a hearing to hear the merits of the case all over again.

Commissioner Lucey inquired whether the Board would have to address Agenda Item 15 if Agenda Item 14 failed.

Mr. Lipparelli replied if the rules and procedures were not suspended, it would preclude the Board from having to address Agenda Item 15.

On the call for public comment, the following individuals spoke in opposition to the suspension of the Board's rules and procedures pursuant to Rule 3: Ron King, David Quirk, Tasiana Wertyschyn, Karl Rodriguez, Jeff Peters, James Kroshus, Mary Peterson, and Nevada Assemblyman Ira Hansen. Ms. Wertyschyn provided a copy of the Nevada Revised Statute regarding a medical marijuana establishment (MME), which was placed on file with the Clerk.

The above individuals' comments included concerns about the safety and protection of children, the Board not listening to the citizens, the MME should be relocated to a stand-alone building, the legality of the current proposed location, relocation to Spanish Springs was not in the best interest of the community, and the reconsideration of the Board's denial should have been addressed at a previous meeting.

Sandy Lack spoke in favor of the MME. He said there were a lot of people who appreciated the services an MME provided. He added it was difficult for people in favor of the MME to come before the Board for fear of being ostracized.

Commissioner Hartung stated his position had not changed. He said he listened to his constituents and he had a lot of pride in his community. He spoke about the safety concerns related to Pyramid Way.

Commissioner Hartung moved that the Board's rules and procedures pursuant to Rule 3 not be suspended. Commissioner Herman seconded the motion.

Commissioner Berkbigler mentioned the County had an opportunity to opt out of having MMEs; however, a previous Board chose not to opt out. Based on the motion not to suspend the rules and procedures to allow for reconsideration of the Board's denial of GTI Nevada, LLC's application to relocate, she expressed her concern that County tax dollars could be used to fight litigation. She felt it was in the County's best interest to work with the owner of the MME to find a new location.

The motion duly carried on a vote of 3 to 1, with Commissioner Berkbigler voting "no" and with Chair Jung absent.

As a result of the outcome of Agenda Item 14, Commissioner Lucey indicated Agenda Item 15 would be pulled.

11:22 p.m. The Board recessed.

11:27 p.m. The Board reconvened with Chair Jung absent.

CONSENT AGENDA ITEMS 6A THROUGH 6C AND 6E THROUGH 6J6

- 16-0980** **6A** Approve minutes of the regular Washoe County Board of Commissioners concurrent meeting of October 25, 2016.
- 16-0981** **6B** Approve adding two (2) education incentives pays for the non-represented Chief Investigator (DA) classification to include the 1.25% Management P.O.S.T. pay, effective October 3, 2016, for attaining a Nevada Management P.O.S.T. certification, and the 1.25% Supervisor P.O.S.T. pay, effective July 1, 2016, for attaining Nevada Supervisor P.O.S.T. certification. FY 16/17 [fiscal impact is estimated at \$4,322.] District Attorney. (All Commission Districts).
- 16-0982** **6C** Approve to acknowledge a grant award to support the Sober24 program, from the Nevada Office of Traffic Safety to the Reno Justice Court [\$45,000.00, 20% in-kind match required], retroactive to October 1, 2016 through September 30, 2017; and direct the Comptroller to make the appropriate budget adjustments. Reno Justice Court. (All Commission Districts.)
- 16-0983** **6E** Approve toll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2013/2014, 2014/2015, 2015/2016 and 2016/2017 secured tax roll and authorize Chair to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$105,988.27]. Assessor. (Parcels are in Commission Districts 1, 2 & 5.)
- 16-0984** **6F** Approve State Collection Development funds from the State of Nevada in the amount of [\$7,013., no local match required] for a retroactive term of October 1, 2016 through June 30, 2017 for the augmentation of Library Collections, direct the Comptroller's Office to make the necessary budget amendments and authorize the Director to sign the grant award document. (All Commission Districts.)
- 16-0985** **6G** Approve the Continuum of Care – Permanent Supportive Housing Program Grant from the United States Department of Housing and Urban Development (HUD), in the amount of [\$84,619; \$23,607 County match] to provide housing and supportive services for homeless families;

retroactively for the period of September 1, 2016 through August 31, 2017; authorize the Department to execute the grant agreement and direct the Comptroller's Office to make the appropriate budget amendments. Social Services. (All Commission Districts.)

- 16-0986** 6H1 Approve the attached resolution authorizing the waiver of Washoe County's unused portion of available volume cap for the issuance of Qualified Energy Conservation Bonds and affirming the transfer of this waived volume cap to the State of Nevada, Department of Business and Industry [no fiscal impact]. (All Commission Districts.)
- 16-0987** 6H2 Approve a 2014 Supplemental Emergency Management Performance Grant (EMPG) from the State of Nevada, Division of Emergency Management for [\$20,000.00 retroactive] for the period of October 26, 2016 through December 31, 2016; [requires a match in the amount of \$20,000.00 by applying the salary expense of Washoe County Sheriff Search and Rescue positions]; and if accepted, and direct the Comptroller's Office to make the appropriate budget amendments. (All Commission Districts.)
- 16-0988** 6H3 Approve recommendation for Commission District Special Fund disbursement [in the amount of \$4,775] for Fiscal Year 2016-2017; District 5 Commissioner Jeanne Herman recommends [\$4,000] designated specifically towards the purchase a Self-Loading Gurney for the Gerlach Fire Department, and [\$775 grant] to Friends of Washoe County Library for the North Valleys Library remodel; approve Resolution necessary for same; and direct the Comptroller's Office to make the necessary budget appropriation transfers. (Commission District 5.)
- 16-0989** 6H4 Approve to Acknowledge the status report on collection of AB 104 gaming taxes through the first quarter of Fiscal Year 2016-17 [no fiscal impact]. (All Commission Districts.)
- 16-0990** 6H5 Confirm appointment of two County Commissioners, Commissioner Herman and Commissioner Lucey, to the Washoe County School District Capital Funding Protection Committee. (All Commission Districts.)
- 16-0991** 6H6 Approve a General Fund Contingency transfer of [\$150,000] to the Capital Improvement Fund to provide FY 2016/17 appropriation authority for capital improvements to the Board of County Commissioners Chambers project and direct the Comptroller to make the appropriate budget appropriation transfers. (All Commission Districts.)
- 16-0992** 6I1 Approve amendments totaling an increase of [\$34,793.00] in both revenue and expense to the FY17 Assistant Secretary for Preparedness and Response (ASPR) BP5 Carryover Grant Program, IO 11343; and if

approved direct the Comptroller's office to make the appropriate budget amendments. (All Commission Districts.)

- 16-0993** **6I2** Approve amendments totaling an increase of [\$30,843.00] in both revenue and expense to the FY17 Centers for Disease Control and Prevention (CDC) BP5 Carryover Grant Program, IO 11344; and if approved direct the Comptroller's office to make the appropriate budget amendments. (All Commission Districts.)
- 16-0994** **6J1** Approve the Joining Forces 2017 grant from the Nevada Office of Traffic Safety (OTS) to cover overtime costs related to conducting Traffic Enforcement Checkpoints and events and for limited travel expenses, [\$120,000.00, No cash match required; 25% in-kind match required] for the retroactive grant term of 10/1/16 through 9/30/17 and if approved, direct Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)
- 16-0995** **6J2** Approve acceptance of reimbursement costs [up to \$30,000.00, no match required] for overtime and other expenses incurred by deputies assigned to work with the U.S. Immigration and Customs Enforcement Homeland Security Investigations (ICE-HSI) Regional Gang Unit. Funds are available retroactively for the period of 09/01/2016 – 09/01/2017. If approved, direct the Comptroller's Office to make the necessary budget amendments and authorize the Sheriff to execute the Agreement between Federal Law Enforcement Agency Participating in the Treasury Forfeiture Fund and State or Local Law Enforcement Agency for the Reimbursement of Expenses in Joint Operations. Sheriff. (All Commission Districts.)
- 16-0996** **6J3** Acknowledge Receipt of Status Report of Commissary Fund submitted by the Washoe County Sheriff's Office Commissary Committee for First Quarter for Fiscal Year 16/17. (All Commission Districts.)
- 16-0997** **6J4** Approve acceptance of third year funding of a grant award [\$57,000.00, no match required] from the Las Vegas Metropolitan Police Department and Amendment #2 to the Interlocal Contract between the Las Vegas Metropolitan Police Department and the Washoe County Board of County Commissioners On Behalf Of The Washoe County Sheriff's Office for reimbursement of expenses associated with Internet Crimes Against Children investigations, for the retroactive grant period of 10/1/14 through 6/30/17, and if approved, direct Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)
- 16-0998** **6J5** Approve acceptance of [up to \$17,548.00, no County match required] in overtime reimbursement for deputies assigned full time to the Federal Bureau of Investigation (FBI) Safe Streets Task Force (SSTF). Washoe County will be reimbursed for overtime and benefit costs directly related

to activities in conjunction with the FBI SSTF. Funds are available retroactively from Federal Fiscal Year 10/1/16-9/30/17. If approved, direct Comptroller's Office to make necessary budget amendments. (All Commission Districts.)

- 16-0999** **6J6** Approve the Law Enforcement industry practice of selling older trained canines that have met their useful life, or upon retirement of the handler, to their handler for [\$1.00]. (All Commission Districts.)

Commissioner Lucey noted members from the Comptroller's Office were present to speak on the Comprehensive Annual Financial Report. He requested Item 6D be pulled from the Consent Agenda Items.

On the call for public comment, Debbie Sheltra supported the Board's decision to approve Consent Agenda Item 6E. She expressed her appreciation for Michael Clark, County Assessor, and his staff for their time and assistance. She acknowledged it would take some time for the property values of the homes affected by the Little Valley Fire to be properly assessed.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigger, which motion duly carried with Chair Jung absent, it was ordered that Consent Agenda Items 6A through 6C and 6E through 6J6 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6C and 6E through 6J6 are attached hereto and made a part of the minutes thereof.

- 16-1000** **6D** Approve to Acknowledge receipt of the Washoe County Comprehensive Annual Financial Report (CAFR), auditor's report, and report on internal control for the fiscal year ended June 30, 2016 as presented; approve the [re-appropriation of \$28,738,390 for the fiscal year 2017 budget consisting of \$13,102,196 for purchase order encumbrances committed in fiscal year 2016 and \$15,636,194 for spending of restricted contributions and fees;] and, authorize the Comptroller to proceed with distribution of the CAFR for public record, as required by law. Comptroller. (All Commission Districts.)

Cathy Hill, County Comptroller, highlighted the following financial points: 1) Ad valorem taxes were up \$8 million from Fiscal Year 2015. 2) Capital program revenues increased by \$12 million which was associated with the bond sale for the new Medical Examiners' Office. 3) The General Fund balance increased \$2.1 million which resulted in an ending fund balance of over \$44 million. The amount fell within the Board's adoption of a fund balance between 10 and 17 percent.

Ms. Hill thanked the Comptroller's Office staff associated with compiling the Comprehensive Annual Financial Report (CAFR).

Felicia O'Carroll, Eide Bailly Partner, stated there were a few things that had to be read into the minutes per Nevada Revised Statute in order to complete the audit process. She noted the Board received an unmodified opinion, which was the highest level of assurance the Certified Public Accountant profession offered. She informed the Board that if they did not want to read 300 pages of numbers, they could review the Management's Discussion and Analysis section in the CAFR.

Ms. O'Carroll highlighted the following points: 1) In the government-wide statement, the County had a positive net position in two of its three categories. 2) The County had a net investment in capital assets of \$540 million. 3) The County had restricted net assets of \$118 million. The majority of that was for capital projects, public safety, welfare, debt, and claims. 4) The County had an unrestricted deficit of \$270 million, which came about as a result of the implementation of the Governmental Accounting Standards Board (GASB) Opinion 68 the prior year. The GASB Opinion 68 required the County and every other state and local government to report their proportionate share of the unfunded Public Employees' Retirement System liability on their financial statements. The County had a liability on its books of about \$349 million for that particular account; however, it was a very one-sided presentation since the County was required to report the liability but did not have the ability to report the way those liabilities were going to be paid over the next 30 years. 5) The County was in a strong financial position. 6) It was important for the Board to consider the notes to the financial statements in the CAFR. 7) There was one finding related to the financial audit. Changes were made to the billing practices without prior knowledge of the Comptroller's Office. Those ended up not being in accordance with the modified accrual basis of accounting and required that Eide Bailly propose a journal entry of over \$1 million. 8) A separate audit would be required for Federal Grants since the County received and expended more than \$750,000 in Federal Grants. The County qualified as a low-risk auditee for the current year, which meant Eide Bailly was required to audit 20 percent of the County's federal awards; however, next year the County would not qualify as a low-risk auditee which would result in an audit of 40 percent of the County's federal awards. The reason the County was a low-risk auditee during the current year was because during the compliance audit, Eide Bailly became aware of nine findings of which three were related to the Aging Cluster, four related to the Child Welfare Grant, and two related to Adoption Assistance. The information would be presented at the Audit Committee Meeting in a couple of weeks. The only repeat program from last year was the Family Planning Services program, which had no findings during the current year and all four findings noted last year were corrected.

Commissioner Hartung inquired what the deficit amount was in the last fiscal year.

Ms. O'Carroll replied last year's deficit amount was \$253 million. She noted the increase in the County's liability for its pension was part of the reason the current year's deficit increased.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Chair Jung absent, it was ordered that Agenda Item 6D be approved and authorized.

BLOCK VOTE – AGENDA ITEMS 8, 9, 10 AND 11

16-1001 **AGENDA ITEM 8** Approve the removal of uncollectible accounts receivable [totaling \$3,202,367.73.] Comptroller. (All Commission Districts.)

On motion by Commissioner Berkgigler, seconded by Commissioner Hartung, which motion duly carried with Chair Jung absent, it was ordered that Agenda Item 8 be approved.

16-1002 **AGENDA ITEM 9** Award Request for Proposal (RFP) #2991-17 for the Differential Response program for child abuse and neglect cases, to the lowest responsible, responsive proposer, meeting specification, The Children's Cabinet, 1090 S. Rock Blvd., Reno, NV 89502, in the estimated amount up to \$300,000.00 for the first year, on behalf of Washoe County Department of Social Services; and further to recommend that the Purchasing and Contracts Manager be authorized to enter into this Agreement for one (1) year, commencing December, 1, 2016 through November 30, 2017, with the provision for up to two (2) - one (1) year extensions at Washoe County's option at an [approximate annual amount between \$250,000 and \$300,000.] Social Services. (All Commission Districts.)

On motion by Commissioner Berkgigler, seconded by Commissioner Hartung, which motion duly carried with Chair Jung absent, it was ordered that Agenda Item 9 be awarded and authorized.

16-1003 **AGENDA ITEM 10** Adopt a Resolution declaring Washoe County's intent to sell Truckee River Water Rights (362 acre-feet) Claim DTR-014 to the Pyramid Lake Paiute Tribe; and set a public hearing for December 19, 2016 at 10:00 a.m. pursuant to NRS 277.050 to hear any objections. Community Services. (Commission District 4.)

On motion by Commissioner Berkgigler, seconded by Commissioner Hartung, which motion duly carried with Chair Jung absent, it was ordered that Agenda Item 10 be adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

16-1004 **AGENDA ITEM 11** Request by the County Manager through the County Clerk pursuant to Washoe County Code 2.03 to approve a request to amend the Washoe County Code (Chapter 20) to enact the increase to the County's sales and use tax rate as approved by voters in Washoe County

on November 8, 2016, and direct the Clerk to submit the request to the District Attorney for preparation of a proposed ordinance pursuant to Washoe County Code 2.04. Manager. (All Commission Districts.)

On motion by Commissioner Berkgigler, seconded by Commissioner Hartung, which motion duly carried with Chair Jung absent, it was ordered that Agenda Item 11 be approved and directed.

16-1005 **AGENDA ITEM 7** Department presentation by the Health District highlighting services and operations. [10 minutes.]

Kevin Dick, District Health Officer, conducted a PowerPoint presentation. The headings of the slides were: 1) A Regional Agency Serving Reno, Sparks, and Washoe County. 2) District Board of Health Members. 3) Vision, Mission, Values, Strategic Direction. 4) WCHD Strategic Plan Structure. 5) Divisions. 6) Administrative Health Services. 7) Air Quality Management. 8) Environment Health Services. 9) Epidemiology and Public Health Preparedness. 10) Community and Clinical Health Services. 11) Office of the District Health Officer.

As part of the PowerPoint presentation, a video was shown highlighting the following: A healthy community, the linkage between income inequality and health disparities, Family Health Festival, Bike Week, the Health District's collaboration with the Reno-Sparks Indian Colony and the Food Bank of Northern Nevada, and low-income housing conditions.

During the presentation, Mr. Dick stated Kristopher Dahir, City of Sparks Councilman, replaced Julia Ratti on the District Board of Health after Ms. Ratti was appointed to the Nevada State Senate. The Health District's strategic plan was submitted to the Board and placed on file with the Clerk.

Commissioner Herman thanked Mr. Dick for his presentation. She inquired whether the Health District dealt with the removal of burned-out houses.

Mr. Dick replied burned-out houses fell under Code Enforcement. The Health District did participate in the clean-up efforts of open dumping.

Commissioner Hartung expressed his concerns with Cimex lectularius, also known as bed bugs, and he hoped to take a more proactive role in dealing with them. He thought the Health District was perfectly situated to lead the way in dealing with Cimex lectularius.

Commissioner Berkgigler thanked Mr. Dick for his work.

Mr. Dick thanked the Board.

There was no public comment or action taken on this item.

16-1006

AGENDA ITEM 12 Request by the County Manager through the Washoe County Clerk pursuant to WCC 2.030 for the Board of County Commissioners to initiate proceedings to amend Washoe County Code Chapter 110 (Development Code) at Article 304, Use Classification System, to expand the current definition of Outdoor Entertainment (Commercial Recreation, Commercial Use Type) to include other types of outdoor entertainment venues such as amphitheaters, race tracks, golf courses, ski resorts, and/or other appropriate venues; and to incorporate a wider range of typical uses such as sporting events, concerts, outdoor plays, outdoor music festivals with live or recorded music, and/or other appropriate uses. Additionally, initiate amendments to Washoe County Code Chapter 110 at Article 302, Allowed Uses, to potentially expand the regulatory zones within which the outdoor entertainment use type is allowed or allowed with the approval of an appropriate discretionary permit. Further, to direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Sections 2.030 and 2.040. Manager. (All Commission Districts.)

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chair Jung absent, it was ordered that Agenda Item 12 be initiated, amended and directed.

16-1007

AGENDA ITEM 13 Possible action to find that the 800 MHz System and any future similar system of radio communication which is owned or operated by Washoe County is a matter of local concern for the effective operation of local government, and motion to introduce and conduct a first reading of an ordinance amending chapter 5 of the Washoe County Code, Section 5.456, to authorize the Chief Information Officer to negotiate and execute agreements with other public and private entities as are required to assure the continued present and future operation of Washoe County's emergency radio system(s) and to present such agreements to the Washoe County Board of Commissioners for final approval when required by law or policy; describing that such agreements may include, without limitation, provisions for sharing the use, governance, operation, maintenance, and upgrade of any Washoe County radio system with other public or private entities, unless otherwise prohibited by law; changing the title of Chief Information Management Officer to Chief Information Officer; and providing for other matters properly relating thereto, And, if supported, set the public hearing for second reading and possible adoption of the Ordinance for December 13, 2016. Technology Services. (All Commission Districts.)

Nancy Parent, County Clerk, read the title for Bill No. 1773.

On the call for public comment, there was no response.

Paul Lipparelli, Legal Counsel, hailed Agenda Item 13 as the first use by the County of the Home Rule powers which were given to counties by the Nevada Legislature. Under the Home Rule power, the Ordinance would authorize the County to enter into agreements with public and private companies who made use of 800 MHz technologies for public safety and related utility type responses. He requested the Board make a finding that the system of radio communication was a matter of local concern for the effective operation of government under the Home Rule statute.

Bill No. 1773 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed with the finding that the system of radio communication is a matter of local concern for the effective operation of government under the Home Rule statute.

16-1008 **AGENDA ITEM 16** Discussion and possible action to approve a new franchise agreement under NRS 244.187-188 for the collection and disposal of garbage and other waste with Reno Disposal Co., a Nevada corporation doing business as Independent Sanitation Company and Waste Management, including but not limited to possible changes to the franchise fee, possible changes to the length of time during which the franchise will be in effect, and the possible addition of certain recyclables to the scope of the franchise. Manager. (All Commission Districts.)

Kevin Schiller, Assistant County Manager, noted verbiage regarding the disposal of garbage and other waste within the Washoe County Solid Waste Services Franchise Agreement lead to some confusion regarding the issue of exclusivity. He said language could be added to further clarify the intent since it was not meant to change anything in relationship to commercial services. The language could also be removed by way of an amendment. The verbiage caused some confusion because other vendors handled dry waste, which is allowed under the current franchise agreement and would continue in the future franchise agreement. He highlighted the following issues: 1) issues related to response and delays during inclement weather, 2) the ability for pickup with additional stickers, 3) the need to cross-reference definitions with Health District regulations regarding unlawful accumulation of garbage, 4) the collection of medical waste which was considered special waste, and 5) a request from the Health District to have a discussion on increasing the bond amount which Waste Management (WM) was willing to increase if necessary.

Commissioner Berkbigler expressed her concern with the language on Page 3, Section 2, Subsection 2.1 where it stated, “for the collection and disposal of Garbage and other waste, exclusive of Recyclables, generated or coming to exist at all Commercial Premises in the Franchise Area.” She believed the language needed to be removed because this was not an exclusive franchise as far as businesses were concerned, and it could interfere with current private businesses.

Greg Martinelli, WM Area Manager, agreed with Commissioner Berkgigler. He noted the language was put into the agreement by the County's legal counsel. He said it was never WM's intent to do anything but change the agreement to pick up recyclables in a cart, which was only for residential.

Paul Lipparelli, Legal Counsel, stated there were two different layers of discussion. He said there was a question as to whether there was or was not a legislative determination on whether recyclables were covered under the exclusivity concepts of State Law, which might require clarification at the statutory level. Since Mr. Martinelli was agreeable to the change in the language, it was in the Board's purview to make the changes.

Commissioner Berkgigler questioned whether there was a free period of waste pickup in the Spring and Fall.

Mr. Martinelli indicated the information pertaining to Commissioner Berkgigler's inquiry was contained on Page 8, Subsection 5.4(G) which noted the months of May and November.

Commissioner Lucey inquired when the collection days were during those months.

Mr. Martinelli replied it would be every week in the month of May and November.

Commissioner Hartung referred to the term of the agreement on Page 3. He stated the agreement did not leave any flexibility for the Board to have a review period to ensure everything was working properly. He suggested the Board give itself the ability to revisit and potentially revise the agreement.

Mr. Schiller confirmed there was not a component within the contract for a review period; however, he acknowledged a review period could be negotiated and included within the contract language.

Commissioner Hartung added Mr. Martinelli may also find it necessary to revisit the agreement if it did not work for WM.

Mr. Martinelli believed Commissioner Hartung's concern was covered under Subsection 13.2 within the agreement. He said the provision existed within the agreement to address unforeseen issues at any time during the agreement period.

Mr. Lipparelli confirmed Subsection 13.2 was a duty on the part of both parties to get together to discuss the effects of the changes; however, he thought Commissioner Hartung was asking for more than what Subsection 13.2 entailed. He said Commissioner Hartung was suggesting a reopener or some sort of trial period after which time all parties would be renegotiating the agreement.

Commissioner Hartung stated he would like to see language in the agreement referencing an 18 month or 24 month probationary period.

Commissioner Berkbigler inquired how the Board would know whether 18 months or 24 months was enough time to find out if there were any issues. She added it might be five years before anyone realized there was an issue.

Mr. Schiller mentioned the customer service component. He noted the Manager's Office saw one complaint in the last 30 days. He said the customer service component was built into the agreement, and the Board could decide what level to review it in terms of quality control.

Commissioner Hartung spoke about a service issue complaint WM had handled. He stated an issue of that nature would not constitute revisiting the contract. He said he was more concerned about the delivery of service for existing customers.

Commissioner Lucey inquired about the Ombudsman under Subsection 3.3. He also asked if customer service calls would still go to the customer service center in Phoenix, Arizona.

Mr. Martinelli replied the customer service calls would go to the customer service center in Phoenix. He explained the Ombudsman was a customer experience manager who was not directly in the line of authority through WM's operations in the County. If a customer had an issue that was not resolved at the local level then the Ombudsman would be engaged. He added there should not be a circumstance where WM could not resolve a situation locally.

Commissioner Berkbigler said she did not like the term "probationary period" and suggested calling it something else. She also suggested asking Mr. Schiller and Mr. Martinelli to work something out and bring it back before the Board when they brought the rest of the language back.

Commissioner Lucey inquired whether the Ombudsman could provide a quarterly report regarding customer issues.

Mr. Martinelli noted WM could provide the Board with whatever type of reports it wanted. He acknowledged a quarterly report would be adequate for the Board's needs.

Commissioner Lucey stated if the Board were able to receive a quarterly report within the first few years, it would be able to evaluate how service changes were going and address any concerns.

Commissioner Hartung spoke about recyclables and he inquired how much of the recyclables ended up in the landfill.

Mr. Martinelli said recyclables ended up in the landfill every day. Since there was no mandate to recycle in the state of Nevada, some people did not participate. On the part of WM, he explained the process in which recyclables were separated. He noted there was a 20 to 22 percent contamination rate, which meant products were incorrectly placed in the recyclables cart or people were utilizing their recyclables cart for garbage. It was more expensive for WM to sort the good products from the contaminated loads. He also explained how product commodities operated. There were markets for certain types of plastics but not others.

Commissioner Herman stated people in her District were dead-set against single stream recycling. She inquired whether residential fees would be offset by the fees collected from industrial and commercial businesses WM serviced.

Mr. Martinelli said the amount collected from commercial businesses within the County was approximately \$1 million. The amount collected from the City of Reno was around \$17 million and the amount collected from City of Sparks was around \$7 million. He remarked the commercial base within the County was not large enough to have a significant impact on the rate structure.

Commissioner Herman inquired about the seven day inactivity charge, the contamination fee, and the fee charged to individuals who did not put out their waste containers.

Mr. Martinelli stated an inactivity fee was essentially a rental for the container not being serviced every seven days. He explained garbage containers with putrescible waste had to be serviced every seven days pursuant to Health Code. If a container did not contain putrescible waste, WM would just charge a rental fee; however, those customers would not fall under the franchise agreement. Dry Waste could be picked up by anyone. Putrescible waste was something that rotted or anything that came into contact with food.

Commissioner Herman noted there were fines for putting the wrong type of waste in the containers.

Mr. Martinelli confirmed Commissioner Herman's assertion. He said there was new language added to the agreement in an effort to cut down on contamination. He added customers would receive five warnings that they were contaminating their recycling and after the fifth infraction, WM would take away the container.

In response to an inquiry from Commissioner Herman, Mr. Martinelli replied an individual could put out their recyclables cart whenever they wanted. There was no requirement for the recyclable cart to be out for collection and there would be no fine. He reiterated per Health Code a customer had to have their garbage serviced every seven days. He acknowledged some customers would not be able to do so if they were on vacation; however, that was not something the Health District was out patrolling for.

Commissioner Herman mentioned the option of having a 96 gallon recyclable cart with a 64 gallon cart for regular waste. She thought there should be an option for a smaller recyclable cart.

Mr. Martinelli stated the majority of customers within the County, 26,000 to 32,000 customers, already had a 96 gallon cart. He said when WM deploys single stream recycling it would drop a blue lid recycling cart at the homes of those customers. He noted there were customers who utilized a mix of their own waste cans for their 64 gallon service; however, those customers would receive a 64 gallon cart for recycling and a 64 gallon cart for solid waste, or just a single stream recycling cart if they already had a 64 gallon cart for solid waste.

Commissioner Herman indicated she might vote against the agreement since everyone in her District was against it.

Mr. Martinelli spoke about how WM accommodated the specific needs of Incline Village, which included the need to have locking bear containers and 32 gallon containers in some areas. He mentioned once single stream recycling was in place in the City of Reno and the City of Sparks, many of the concerns people had about the possibility of not having enough room in their solid waste containers never happened. When customers started utilizing their recycling containers properly, they found that they could actually downsize in regards to their solid waste containers. He noted there was a 75 percent recycling program participation rate in the City of Reno and the City of Sparks. He also mentioned a senior citizens tax assistance program which no longer existed. He said there were about 600 customers who took part in the program. He added those customers would not be adversely impacted. They would see a small increase over time. He requested the Board either approve or disapprove the agreement so WM could move forward. He noted a cart company was already in the process of building recycling carts for the County and that a mailer was set to go out to customers informing them of the single stream recycling program. He also noted a mailer would be going out to customers with their 25 stickers in regards to the May and November dumping periods. He commented that any delays to the process would have a ripple effect on various projects.

Commissioner Hartung inquired whether the overall customer base was subsidizing the bear proof carts in the areas that required them.

Mr. Martinelli replied the bear proof carts were not being subsidized by the overall customer base. He said WM worked with several of the Homeowner Associations in the unincorporated area who requested WM provide the option for bear proof carts.

Commissioner Berkbigler inquired whether there was a requirement for every residential person to have garbage pickup and who enforced the pickup.

Mr. Martinelli replied in the affirmative that there was a requirement to have garbage pickup and it was enforced by the Health District.

Mr. Schiller pointed out the rate changes and the franchise fee had not yet been addressed.

On the call for public comment, Erik Jimenez, representing Green Solutions Recycling, stated they were concerned with the exclusivity of commercial waste and any reference towards exclusivity in regards to commercial recycling. He said his client would be agreeable to the agreement as long as it did not interfere with their business.

In regards to the franchise fee, Commissioner Lucey asked Mr. Schiller to explain the rate increases in terms of revenue.

Mr. Schiller explained the incremental increase from 5 percent to 8 percent would bring in revenue of approximately \$523,000 for the County. He noted the proposed service rate structure in the new agreement highlighted the rate increase. Any revenue increase would be placed into a special account that would be utilized for District and County projects related to disposable waste, beautification, and related issues.

Commissioner Lucey inquired whether the County currently had a franchise fee in the current agreement.

Mr. Schiller replied the County did have one at the 5 percent rate.

Commissioner Lucey asked if the current revenue at that rate was \$523,000.

Mr. Schiller replied no. At 8 percent it would be at \$523,000. At the current rate structure the revenue was about \$300,000.

Commissioner Lucey asked whether it was staff's recommendation to increase the rate to 8 percent.

Mr. Schiller responded yes; however, it was at the Board's purview.

Commissioner Berkgigler inquired whether the money collected by way of an increased rate could be earmarked to resolve the issue of the trash dumped along Peavine Mountain.

Mr. Schiller stated the County had anticipated doing such, but also by working with partners, such as Keep Truckee Meadows Beautiful, to target challenged areas.

Commissioner Lucey inquired how the Board would specifically earmark the revenue.

Mr. Schiller replied he would work with the Fiscal Department to set up a specialized account and then set up a process by which the Board would request authorization for use of the funds. He noted staff would most likely have to seek approval from the Board for specific items.

Commissioner Hartung said he was reticent about the 8 percent rate since the County just increased its sales tax. He thought 5 percent was adequate.

Commissioner Berkbigler agreed with Commissioner Hartung that it was concerning when the County raised taxes; however, raising the rate would bring the County into compliance with both the City of Reno and the City of Sparks. From the perspective that raising the rate would help with issues that affected Peavine Mountain for instance, she expressed her support for raising the rate.

Commissioner Hartung inquired whether the Board would be open to revisiting the franchise fee sometime in the future to determine if it was adequate.

Commissioner Berkbigler indicated that was not a problem for her.

Mr. Schiller clarified the 5 percent and 8 percent numbers were presented to provide the Board with a model so they could see the differences between the rates. It was not to say those were the only two options.

Commissioner Hartung stated he did not disagree the increase would bring the County in line with the City of Reno and the City of Sparks; however, those cities had offset subsidies with respect to fees collected from commercial and industrial businesses.

Commissioner Berkbigler made a motion to approve the new franchise agreement under Nevada Revised Statute 244.187 and 244.188 for the collection and disposal of garbage and other waste from Reno Disposal Company, a Nevada corporation doing business as Independent Sanitation Company and Waste Management with the proposed changes, with the caveat that those changes would come back before the Board for review of the language to ensure it complied with what was asked for, and with a proposal to increase the franchise fee to 8 percent with the understanding the Board could revisit it when the Board revisited the contract on issues to see whether or not it wanted to raise or lower the fee.

Commissioner Hartung seconded the motion.

Mr. Lipparelli stated there was a lot of respect for Mr. Martinelli within the community. He noted Mr. Martinelli was under pressure because WM had plans to make. He said if the Board approved the motion as written the Board would have a valid enforceable franchise agreement in which Mr. Martinelli would not have to come back

and renegotiate with the Board if he did not want to. He added the motion did not address the review period and the commercial exclusivity provision. He suggested the Board address each item by stating what they wanted it to say.

On the advice of Mr. Lipparelli, Commissioner Lucey felt the Board should review each item and amend the motion.

Nancy Parent, County Clerk, inquired whether the motion should be amended, or if it should be withdrawn and a new motion be made.

Commissioner Berkbigler withdrew her motion.

Commissioner Hartung suggested starting with what staff knew the Board wanted and then add that directly into the motion.

Mr. Schiller noted the franchise agreement stated, "the right and privilege of operating an exclusive franchise for the collection and disposal of garbage and other waste". He said the proposed amendment was to remove the term "other waste".

Commissioner Berkbigler suggested adding the verbiage, "exclusive franchise for the right and privilege of operation an exclusive franchise for the collection and disposal of residential" to exclude commercial businesses.

Mr. Lipparelli stated the architecture of the section being discussed was an exclusive franchise agreement pursuant to State Law in which clause one stated, "for the collection and disposal of Garbage and other waste generated or coming to exist at all Residential Premises in the Franchise Area", and clause two stated, "for the collection and disposal of Garbage and other waste, exclusive of Recyclables, generated or coming to exist at all Commercial Premises in the Franchise Area". He inquired whether the Board wanted to strike clause 2 entirely or just the words "other waste" from clause 2.

Commissioner Lucey thought the Board wanted to strike clause two. He said the Board would probably amend clause two to state, "for the collection and disposal of Garbage and other waste, exclusive of Recyclables, generated or coming to exist at all Commercial Premises in the Franchise Area" to say "only commercial for County properties".

Commissioner Berkbigler believed the Board was addressing two different areas. She stated she wanted the words "and other waste" to be removed from Subsection 2.1.

Mr. Lipparelli suggested the Board tell staff what they wanted Subsection 2.1 to say.

Commissioner Berkbigler stated she wanted clause 2 struck from Subsection 2.1.

Mr. Schiller noted the commercial piece in Subsection 2.1 was not exclusive to dry waste. It was exclusive to waste that spoiled, which was what the current agreement said.

Commissioner Berkbigler stated she thought clause 2 had to be removed because it gave WM the exclusive right to also collect from commercial premises.

Mr. Schiller said the commercial component for disposable waste was already in the current franchise agreement. He noted if he did not change anything in the current franchise agreement then there would not be an issue. He commented that WM's competitors were utilizing the dry waste component.

Commissioner Berkbigler indicated she did not understand the term "dry waste".

Mr. Martinelli replied "dry waste" was anything that was not putrescible. Garbage was a defined term in the statute. He said garbage was a putrescible waste, also known as wet waste. Trash was a non-putrescible waste. He noted garbage was all that was currently franchised in regards to commercial waste.

Commissioner Lucey questioned the reason for the term "other waste" under Subsection 2.1(2).

Mr. Martinelli remarked he could not answer that. He stated it was something the County's attorney indicated was right out of the statute.

Commissioner Lucey and Mr. Martinelli discussed the removal of the term "other waste" from Subsection 2.1(2), which WM would be agreeable to.

Commissioner Berkbigler inquired whether private trash hauling businesses were picking up garbage.

Mr. Martinelli replied private trash hauling businesses were only picking up recyclables and dry waste. An example he gave was if the only material waste a business produced was dry waste then that business could contract with whomever they wanted; however, if a business had a restaurant, they would have to have some form of garbage service.

Commissioner Lucey asked if WM would be exclusive to just garbage, which was anything that came into contact with an organic material.

Mr. Martinelli responded yes. He described Commissioner Lucey's description of garbage as putrescible waste.

Commissioner Berkbilger requested to hear from one of the other providers of waste removal.

Victor Salcido, representing Green Solutions Recycling (GSR), stated the language in the proposed franchise agreement was alarming since GSR dealt with some waste and recyclables. He said GSR wanted the ability to continue to conduct their business as usual.

Commissioner Lucey inquired whether it would be acceptable to GSR if the language from the existing franchise agreement was transferred into the proposed franchise agreement.

Mr. Salcido answered in the affirmative.

Commissioner Lucey directed staff to maintain the language in the existing agreement in regards to Subsection 2.1 and carry it over into the proposed agreement.

Mr. Lipparelli advised the Board to consult Mr. Martinelli to determine whether WM would be agreeable to the change.

Mr. Martinelli stated the change would be acceptable to WM.

Commissioner Lucey, Commissioner Hartung and Mr. Martinelli discussed the proposed review period related to Subsection 2.2.

Mr. Martinelli commented a minimum period of 24 months was required in order to determine whether the process was working or not.

Commissioner Lucey acknowledged the 24 month review period. He also requested the Ombudsman provide the Board with a quarterly report in regards to service.

Mr. Martinelli thought the reporting language was already in the proposed agreement.

Commissioner Lucey added the Board wanted to ensure the quarterly reporting was clearly identified within the agreement.

Mr. Lipparelli inquired what would happen after the 24 month review was completed.

Commissioner Berkbilger stated the franchise fee would be reviewed at that time.

Commissioner Lucey pondered whether the Board would want to reevaluate the entire agreement, to just evaluate the amendments that would be made, or to say everything was great and move on.

Mr. Martinelli suggested the review address the success of the residential program. The review would include the participation and contamination rates, and whether recycling within the County increased.

Commissioner Hartung agreed with Mr. Martinelli's suggestion.

Commissioner Lucey asked Mr. Lipparelli whether the discussion had satisfied his inquiry.

Commissioner Berkbigler noted Mr. Lipparelli wanted to know what action the Board would take.

Mr. Lipparelli appreciated Mr. Martinelli's contribution by suggesting a performance review of the residential program be conducted. He inquired whether the Board sought to do more than just evaluate the performance review.

Commissioner Hartung stated the proposed agreement gave the Board the ability to review and readjust the residential component if need be.

Commissioner Lucey sought clarification as to whether the proposed agreement gave the Board the ability to reopen the franchise agreement and to revisit the residential service portion if needed.

Mr. Lipparelli queried whether the Board was suggesting a bilateral reopener for residential service.

Commissioner Lucey responded yes.

Mr. Martinelli asked why the solid waste component had to be reviewed as well since the only change being made had to do with recycling.

Commissioner Lucey replied the Board would also be looking at the franchise fee.

Mr. Martinelli understood Commissioner Lucey's comments; however, he added the discussion was about the residential component as it was a requirement of the Health District that everyone had garbage service and that could not be changed. He noted the focus was on the impact of the recycling component of residential recycling.

Commissioner Berkbigler acknowledged Mr. Martinelli's comments. She said there would be a bilateral review of the recycling component of the new franchise agreement.

Commissioner Hartung added it would also include a bilateral review of the franchise fee.

Mr. Lipparelli explained at the time the Board reviewed the residential recycling component, the Board would create the possibility of adjusting the fees changed for that service. The franchise fee was a pass-through by the company to the customers that existed regardless of where the rates were. He asked whether the Board was talking about a reopener to review the residential recycling rates or if they were talking about the franchise fee.

Commissioner Berkbigler thought the Board was addressing both items. She said she and Commissioner Hartung agreed that the 8 percent rate was too high and the Board would review the rate in two years to determine whether it could be reduced. She also agreed with Commissioner Hartung in regards to the 24 month review period. She added if the County was not meeting the threshold, then it may need to reopen the agreement to revisit the recycling component.

Mr. Martinelli remarked that was acceptable.

Commissioner Herman noted Mr. Schiller stated the 8 percent rate was not concrete. She asked whether the rate could be changed.

Commissioner Lucey responded that Commissioner Herman could propose any rate she wanted to.

Commissioner Herman suggested a first year rate of 6 percent.

Commissioner Lucey inquired whether the franchise fee could increase over a period of time.

Mr. Schiller replied he assumed it could be but that he needed details.

Commissioner Lucey, Commissioner Herman and Commissioner Hartung discussed a tiered system beginning at 6 percent, increasing to 7 percent the following year and then increasing to 8 percent after that. There would be a review in the second and third years to determine whether the rate needed to be increased.

Mr. Schiller indicated the motion should include a detailed public meeting tied to the 24 month review. He believed the Board would want staff to schedule and agendize a public hearing in regards to the review.

Commissioner Lucey thought it would be necessary to have a public hearing.

Mr. Martinelli recommended the Board escalate the franchise fee on May 1, 2017 as opposed to upon execution of the agreement, which would be on February 1, 2017 when the franchise fee would go into effect. He added the Board could increase the rate on February 1; however, there was an annual increase every May.

Commissioner Lucey agreed to Mr. Martinelli's suggestion.

Mr. Lipparelli recommended the motion be, "to approve the franchise agreement as written in the staff report with the following changes: 1) use the language of the current franchise agreement for the exclusivity related to commercial customers; 2) that there be a review period of 24 months after which time either party can reopen the contract to negotiate the rates and processes for residential recycling, which process will include a public hearing prior to any adjustment in the contract; 3) that the franchise fee under the contract be adjusted to 6 percent as of May 1, 2017, 7 percent May 1, 2018 and 8 percent May 1, 2019 and subject to adjustment after 24 months by the County; 4) to authorize the District Attorney to work with WM to develop the final language of the agreement and authorize the Chair to sign that agreement without a further meeting."

Commissioner Hartung commented the motion differed from the discussion in regards to the timing of the review. He added there would be a review of the franchise fee every May commencing May 2017 through May 2019.

Mr. Lipparelli suggested the addition of the following language, "the company agrees that the County can adjust the franchise fee any time and provide three months-notice to the company to adjust the rate." He asked Mr. Martinelli how much time WM needed.

Mr. Martinelli indicated three months was fine.

Commissioner Lucey stated the automatic increases would remain as set by the Board and the Board could revisit the franchise fee upon review with notice to the company if any changes would be made within three months-time.

Mr. Lipparelli confirmed Commissioner Lucey's comments were correct.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Herman voting "no" and with Chair Jung absent, it was ordered to approve the franchise agreement as written in the staff report with the following changes: 1) use the language of the current franchise agreement for the exclusivity related to commercial customers; 2) that there be a review period of 24 months after which time either party can reopen the contract to negotiate the rates and processes for residential recycling, which process will include a public hearing prior to any adjustment in the contract; 3) that the franchise fee under the contract be adjusted to 6 percent as of May 1, 2017, 7 percent May 1, 2018 and 8 percent May 1, 2019 and subject to adjustment after 24 months by the County; 4) the company agrees that the County can adjust the franchise fee any time and provide three months-notice to

the company to adjust the rate; 5) to authorize the District Attorney to work with WM to develop the final language of the agreement and authorize the Chair to sign that agreement without a further meeting.

16-1009 **AGENDA ITEM 17** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

There was no closed session.

16-1010 **AGENDA ITEM 18** Public Comment.

There was no public comment.

16-1011 **AGENDA ITEM 19** Announcements/Reports.

John Slaughter, County Manager, stated the County solicited photographs from employees to be used on the cover of the Comprehensive Annual Financial Report. Over 70 photographs were submitted and the chosen photograph was taken by Danielle Carlton in the Treasurer's Office.

Commissioner Herman said the Red Rock Volunteer Fire Department Chief would like an assessment of the fire station in Rancho Haven to see if it could be modernized to properly accommodate larger fire engines. She noted she was still trying to find a solution for the removal of the burned-out trailer on Magnolia Way. She added she could not get the Health Department or Code Enforcement to address the issue. She asked for a quarterly update from the local Bureau of Land Management representative. She expressed her concern with the Cooperative Extension's funding. She stated she wanted to speak with someone who had control over the funding and how the funds were allocated. Lastly, she reported she received complaints from citizens about not receiving notification of the Board meetings.

* * * * *

Pending Board Approval

1:39 p.m. There being no further business to discuss, the meeting was adjourned without objection.

KITTY K. JUNG, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Michael Siva, Deputy County Clerk*

Pending Board Approval